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8
9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SANTA ROSA DIVISION

12 In re:

13 KINGSBOROUGH ATLAS TREE
14 SURGERY, INC.

15 Debtor.

Case No. 25-10088 (WJL)

Chapter 11

15 **ANVIL BUILDERS, INC.’S RESPONSE TO**
16 **DEBTOR’S MOTION TO APPOINT A**
17 **CHAPTER 11 TRUSTEE**

17 Date: December 17, 2025

18 Time: 9:30 am

18 Location: 1300 Clay Street, Courtroom 220
19 Oakland, CA

20 Anvil Builders, Inc. (“Anvil”), a creditor in the above-captioned case, respectfully submits this
21 Response to the Debtor’s Motion to Appoint a Chapter 11 Trustee (the “Motion”):

22 **I. INTRODUCTION**

23 Anvil joins the request for entry of an order appointing a Chapter 11 trustee pursuant to
24 Bankruptcy Code § 1104(a). In the alternative, if the Court declines to appoint a Chapter 11 trustee,
25 Anvil requests conversion of this case to Chapter 7 under Bankruptcy Code § 1112(b).
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1 Anvil is one of the more active creditors in the above case. Upon receipt of the Debtor's
2 Motion, Anvil considered filing a counter-request that the case be converted to Chapter 7. Anvil has
3 elected not to do that, and instead supports appointment of a Chapter 11 trustee.¹

4 **II. ARGUMENT**

5 **A. A Chapter 11 Trustee (That Is Aso A Panel Trustee) Should Be Appointed**

6 During the December 2 Status Conference, counsel for the Debtor appeared to represent that
7 some of the pending activity and sales in the case weighed in favor of appointment of a Chapter 11
8 trustee over conversion of the case, at least for the short term. If the Debtor's counsel has represented
9 that a benefit may be achieved through appointment of a Chapter 11 trustee, then some benefit may in
10 fact exist. However, Anvil lacks visibility in the specifics.

11 Further, assuming that the office of the United States Trustee (the "UST") appoints a panel
12 trustee as the Chapter 11 trustee (who would remain as the Chapter 7 trustee upon a conversion), the
13 downside to a potential two-step process – the appointment of a Chapter 11 trustee and then a later
14 conversion to Chapter 7 – appears limited to the administrative expense of filing such a motion.
15 Consistent with this thinking, in advance of filing of this statement, Anvil communicated its view to
16 the UST that if the Bankruptcy Court appoints a Chapter 11 trustee, a Chapter 7 panel trustee should
17 be selected.

18 **B. In The Alternative, The Case Should Be Converted**

19 Anvil's current position with respect to appointment of a Chapter 11 trustee versus conversion
20 should not in any way whatsoever be considered an endorsement of the Debtor's current management.
21 Had the Debtor not filed this Motion, Anvil would have moved to convert for cause or appoint a trustee
22 for gross mismanagement or fraud. It is, undoubtedly, in the best interest of creditors for existing
23 management to be displaced by a professional fiduciary. And Anvil sees limited downside from
24 appointment of a Chapter 11 trustee versus immediate conversion of the case. Finally, to the extent
25 the Bankruptcy Court declines to appoint a Chapter 11 trustee under Bankruptcy Code § 1104, the
26 case should be converted under § 1112(b).

27 ¹ Anvil reserves the right to withdraw its support at the hearing should it learn new or
28 additional information.

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III. CONCLUSION

Anvil joins in the Debtor’s request to appoint a Chapter 11 trustee. In the event the Bankruptcy Court declines to appoint a Chapter 11 trustee, the case should be converted.

Date: December 3, 2025

FOX ROTHSCHILD LLP

/s/ Jack Praetzellis
Jack Praetzellis
Attorneys for Anvil Builders, Inc.

1 **PROOF OF SERVICE OF DOCUMENT**

2 I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business
3 address is 10250 Constellation Boulevard, Suite 900, Los Angeles, CA 90067.

4 A true and correct copy of the foregoing documents entitled: ANVIL BUILDERS, INC.'S RESPONSE
5 TO DEBTOR'S MOTION TO APPOINT A CHAPTER 11 TRUSTEE will be served or was served **(a)** on
6 the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated
below:

7 **1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant
8 to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and
9 hyperlink to the document. On 12/03/25, I checked the CM/ECF docket for this bankruptcy case or
adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to
receive NEF transmission at the email addresses stated below:

10 Katherine Mary Coyne kcoyne@csglaw.com
11 Jamie P. Dreher jdreher@downeybrand.com
12 Michael C. Fallon fallonmc@fallonlaw.net, manders@fallonlaw.net
13 Michael C. Fallon mcfallon@fallonlaw.net, manders@fallonlaw.net
14 Alan W Forsley alan.forsley@flpllp.com
15 Darren M. Grzyb dgrzyb@csglaw.com
16 Gabriel P Herrera gherrera@kmtg.com, bxiong@kmtg.com
17 James C. Huber jhuber@attorneygl.com
18 Paul Gregory Leahy Paul.Leahy@usdoj.gov
19 Matthew P. Minser mminser@sjlawcorp.com
20 Office of the U.S. Trustee / SR USTPRegion17.SF.ECF@usdoj.gov
21 Teresa L Polk tp@smtldlaw.com, tugland@smtldlaw.com
22 Jack Praetzelis jpraetzelis@foxrothschild.com, jack-praetzelis-1683@ecf.pacerpro.com
23 Kristin A. Schuler-Hintz bknotice@mccarthyholthus.com, khintz@ecf.courtdrive.com
24 Michael A. Sweet msweet@foxrothschild.com, michael-sweet-6337@ecf.pacerpro.com
25 Philip J. Terry pjterry@cmprlaw.com, dmarshall@cmprlaw.com
26 Jennifer C. Wong bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com

27 **2. SERVED BY UNITED STATES MAIL:** On N/A, I served the following persons and/or entities at
28 the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy
thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows.
*Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24
hours after the document is filed.*

29 **3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION**
30 **OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling
31 LBR, on N/A, I served the following persons and/or entities by personal delivery, overnight mail service, or
32 (for those who consented in writing to such service method), by facsimile transmission and/or email as
33 follows. *Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the
34 judge will be completed no later than 24 hours after the document is filed.*

1 I declare under penalty of perjury under the laws of the United States that the foregoing is true and
2 correct.

3
4 12/03/2025

Date

Kimberly Hoang

Printed Name

/s/ Kimberly Hoang

Signature